UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,735	12/11/2003	Marius Ghercioiu	5150-80501	5641

7590   05/29/2008

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767

EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/733,735	GHERCIOIU ET AL.
	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6 and 8-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,6 and 8-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Amendment filed:

05/02/2008. This action is made **Final**.

B.   Claims 1,4,6 and 8-30 remain pending.

C.   Rejection under 35 USC 102(e), Ghercioiu et al. is withdrawn.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claim1, 4, 6 and 8-30 rejected under 35 U.S.C. 102(e) as being anticipated by

Dove et al. (US 2003/0035004 A1), herein referred to as "Dove".

     The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

As for independent claims 1 and 28, Dove teaches a computer-implemented method

and corresponding medium for programming an embedded device, the method

comprising, creating a graphical program (par.18), wherein the graphical program

specifies a function to be performed by the embedded device (par.72); storing the

graphical program on a mobile computer (par.19); and transmitting the graphical

program from the mobile computer to the embedded device over a serial link (par.24);

wherein after said transmitting, the embedded device is operable to execute the

graphical program to perform the specified function (par.74-75) wherein the embedded

sensor device comprises one or more sensors, and wherein the embedded sensor

device does not include a display (par.72); using a PDA for the method of programming

an embedded sensor device (par.67).

As for dependent claim 4, Dove teaches the method of claim 2, wherein the sensor

interface comprises a compact sensor interface between approximately 3 cm.times.3

cm and approximately 6 cm.times.6 cm (par.68; various sizes are apparent given the

wide range of instruments that can be embedded to the PDA).

As for dependent claim 6, Dove teaches the method of claim 1. Dove does not

expressly mention wherein said creating the graphical program is performed on the

mobile computer (par.88).

As for dependent claim 8,Dove teaches the method of claim 1, wherein the serial link

comprises a serial cable (par.67).

As for dependent claim 9, Dove teaches the method of claim 1, wherein the serial link

comprises a wireless serial link (par.67).

As for dependent claim 10, Dove teaches the method of claim 9, wherein the wireless

serial link comprises an infrared serial link (note the analysis of claim 9).

As for dependent claim 11, Dove teaches the method of claim 10, wherein the infrared

serial link comprises a short range infrared serial link (note the analysis of claim 9).

As for dependent claim 12, Dove teaches the method of claim 9, wherein the wireless

serial link comprises a short-range wireless serial link or an 802.11 serial link (note the

analysis of claim 9).

As for dependent claim 13, Dove teaches the method of claim 1, further comprising,

analyzing the graphical program for function dependencies to generate required

modules; analyzing the graphical program to determine an execution sequence

(par.23); and generating a flatfile based on the required modules and execution

sequence, wherein the flatfile contains the functionality of the graphical program

(par.111).

As for dependent claim 14, Dove teaches the method of claim 13, wherein said

transmitting the graphical program from the mobile computer to the embedded device

over a serial link comprises, transmitting the flatfile to the embedded device over the

serial link (par.67 and 111).

As for dependent claim 15, Dove teaches the method of claim 14, further comprising,

the embedded device processing the flatfile to generate an executable, wherein, in the

embedded device being operable to execute the graphical program to perform the

specified function, the embedded device is operable to execute the executable to

perform the specified function (note the analysis of claim 14)

As for dependent claim 16, Dove teaches the method of claim 1, further comprising, the

embedded device executing the graphical program to perform the function (par.73).

As for dependent claim 17, Dove teaches the method of claim 16, wherein the

embedded device executing the graphical program generates data, the method further

comprising, the embedded device sending the data to the mobile computer; and the

mobile computer displaying the data (note the analysis of claim 6).

As for dependent claim 18, Dove teaches the method of claim 17, wherein the

embedded device sending the data to the mobile computer; and the mobile computer

displaying the data are performed using a Front Panel Protocol (par.73 and 90).

As for dependent claim 19, Dove teaches the method of claim 17, wherein said sending

the data to the mobile computer comprises sending the data to the mobile computer

over a serial cable (note the analysis of claim 8).

As for dependent claim 20, Dove teaches the method of claim 17, wherein sending the

data to the mobile computer comprises sending the data to the mobile computer over a

wireless serial link (note the analysis of claim 9).

As for dependent claim 21, Dove teaches the method of claim 20, wherein the wireless

serial link comprises an infrared serial link (note the analysis of claim 9).

As for dependent claim 22, Dove teaches the method of claim 10, wherein the infrared

serial link comprises an IrDA serial link (note the analysis of claim 9).

As for dependent claim 23, Dove teaches the method of claim 9, wherein the wireless

serial link comprises a Bluetooth serial link or an 802.11 serial link (note the analysis of

claim 9).

As for dependent claim 24, Dove teaches the method of claim 16, wherein the

embedded device executing the graphical program generates data, the method further

comprising, executing a different graphical program on the mobile computer, wherein

said executing the different graphical program comprises, performing a discovery

operation to detect and establish communications with the embedded device; retrieving

the data from the embedded device via a wireless serial transmission medium; and

displaying the data on the mobile computer (note the analysis of claim 1-23 above).

As for dependent claim 25, Dove teaches the method of claim 24, wherein the wireless

serial transmission medium comprises an infrared serial link (note the analysis of claim

9).

As for dependent claim 26, Dove teaches the method of claim 10, wherein the infrared

serial link comprises an IrDA serial link (note the analysis of claim 9).

As for dependent claim 27, Dove teaches the method of claim 9, wherein the wireless

serial link comprises a Bluetooth serial link or an 802.11 serial link (note the analysis of

claim 9).

As for dependent claim 29, Dove teaches a system for programming an embedded

device, the system comprising, a mobile computer system, comprising, a processor; a

memory medium coupled to the processor, wherein the memory medium stores the

program and a plurality of components of a program execution system, wherein the

memory medium also stores program instructions executable to analyze the program to

determine a subset of the plurality of components required for execution of the program;

and a display coupled to the processor and memory medium; and an embedded device

coupled to the computer system via a serial transmission medium, wherein the

embedded device comprises, a processor; and a memory medium coupled to the

processor, wherein the memory medium stores a minimal execution system; wherein

the memory medium of the mobile computer system further stores program instructions

which are executable by the processor of the computer system to, transmit the program

and the subset of the plurality of components to the embedded device over the serial

transmission medium (note the analysis of claim 2); wherein the minimal execution

system is executable by the processor of the embedded device to execute the program

using the subset of the plurality of components; and wherein the mobile computer is

operable to receive data from the embedded device and display the data on the display

(note the analysis of claims 1-28 above).

As for independent claim 30, Dove teaches a hand-held computer, comprising: a

processor; a memory medium coupled to the processor, wherein the memory medium

stores a graphical program, wherein the graphical program specifies a function to be

performed by a sensor interface device; and a display coupled to the processor and

memory medium; wherein the memory medium further stores program instructions

which are executable by the processor to: analyze the graphical program; convert the

graphical program into a format suitable for transmission over a serial link to the sensor

interface device (note the analysis of claim 2 above); and transmit the converted

graphical program from the hand-held computer to the sensor interface device over the

serial link; wherein after said transmitting, the sensor interface device is operable to

execute the converted graphical program to perform the specified function; and wherein

the memory medium further stores program instructions which are executable by the

processor to: receive data from sensor interface device during execution of the

converted graphical program; and display the received data on the display (not the

analysis of claims 1-28 above).

(Note:)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and
any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it
contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In
re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158
USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1,4,6 and 8-30 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/

Examiner
Art Unit 2179
May 22, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179